

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2517

TIGIST HAILU TESFAYE,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-221-287)

Submitted: August 20, 2004

Decided: September 8, 2004

Before WIDENER, MICHAEL, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Rev. Uduak J. Ubom, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, David V. Bernal, Assistant Director, Margaret K. Taylor, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Tigist Hailu Tesfaye, a native and citizen of Ethiopia, petitions for review of the Board of Immigration Appeals' ("Board") order dismissing the appeal and finding she failed to meet her burden of proof with respect to her request for asylum, withholding from removal, or withholding under the Convention Against Torture.

On appeal, Tesfaye challenges the Board's determination that she failed to establish her eligibility for asylum. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence [s]he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the record and conclude Tesfaye fails to show the evidence compels a contrary result.

Additionally, we uphold the Board's denial of Tesfaye's request for withholding of removal. The standard for withholding of removal is more stringent than that for granting asylum. Chen v. INS, 195 F.3d 198, 205 (4th Cir. 1999). To qualify for withholding of removal, an applicant must demonstrate "a clear probability of persecution." INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987). Because Tesfaye fails to show she is eligible for asylum, she cannot meet the higher standard for withholding of removal.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED